

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, : CRIMINAL NO.: 2:08-cr-409
: :
v. : Charges:
: 18 U.S.C. § 922(g), (1)
MARK ANTHONY SMITH : :
: :
DEFENDANT. : :

ORDER OF COURT

AND NOW, to-wit, this 17th day of February, 2009, upon consideration of the defendant's Motion for Pre-Guilt Presentence Investigation, and it appearing that the Government consents thereto, IT IS HEREBY ORDERED that the motion is GRANTED and the parties shall proceed as follows:

1. No later than April 3, 2009, the U.S. Probation Office is to complete and forward to the Court and respective counsel a copy of its Pre-Guilt Presentence Report, which shall be limited to the Defendant's criminal history and computation of his advisory criminal history and computation of his advisory criminal history score and any applicable Chapter Four enhancements.

2. No later than April 24, 2009, counsel for the Defendant and the Government shall serve upon the U.S. Probation Office and opposing counsel a statement either outlining their objection to or indicating their agreement with the Pre-Guilt Presentence Report.

3. No later than May 8, 2009, counsel for the Defendant shall advise the

the Government and the Court the defendant's intention to enter a change of plea or proceed to trial in the instant matter.

IT IS FURTHER ORDERED that the period of time from the date of this order to May 8, 2009 shall be deemed excusable delay under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* Specifically, the Court finds that the ends of justice served by this extension outweigh the best interests of the public and the Defendant to a speedy trial, 18 U.S.C. § 3161(h)(1)(F), (I), (J), & (8)(B), *et seq.*, since, for the reasons which are stated in Defendant's motion and including the Defendant's desire to ascertain his prior criminal history score and computation, the granting of the motion provides the Defendant and his counsel with the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(1)(F), (I), (J), & (8)(B), *et seq.*

BY THE COURT:

A handwritten signature in black ink, appearing to read "A. S. C. J.", is placed over a horizontal line.

cc: All Counsel
US Probation